

The Tipton County Plan Commission held its regularly scheduled meeting in the second floor conference room, County Courthouse, Tipton, IN on March 15, 2012 at 7:00pm.

Meeting was called to order by Vice President, Frank Zickmund.

The following members were present: Scott Friend, Frank Zickmund, Paul Julius, Jim Ashley, Mark Baird, Tom Dolezal, Jane Harper, Jason Henderson, Elizabeth Wissel, Executive Director Steve Edson and Sherryl Hensley and several interested parties were also present (see attached sheet).

Members absent: None

### **Reorganization/Election of Officers**

Frank Zickmund stated there were two nominations on the docket for President, Mark Baird and Jason Henderson. Frank Zickmund asked if there were any other nominations or amendments to the nominations. Mark Baird declined the nomination. Frank Zickmund asked if there were any additional nominations. Being none Frank Zickmund asked for a vote in favor of Jason Henderson for President. All in favor of Jason Henderson for President to say "aye," all apposed same sign. Motion was approved by all. Jason Henderson was elected President.

Frank Zickmund turned the meeting over to Jason Henderson.

### **Minutes**

Jason Henderson asked the Board to review the minutes from the last meeting. Mark Baird stated there were some minor corrections. Jane Harper stated that Jim Ashley was not appointed as liaison to the City Plan Commission at last month's meeting due to 4 to 1 vote. Jason Henderson asked for a motion to approve the minutes as amended. Frank Zickmund made a motion to approve the minutes as amended from the last meeting; motion was seconded by Jane Harper. Motion was approved by all.

Jason Henderson stated we still needed to appoint two members to the Conference Committee. Members asked for clarification of the Conference Committee. Steve Edson stated it was set up under the interlocal agreement for the City/County for the purpose of hiring/firing and reviewing the Director of the Plan Commission. The President of the Plan Commission serves with two other Plan Commission members. Jane Harper stated she had served on the Committee in the past along with Scott Friend and would be willing to serve again unless someone else would like to serve. Mark Baird stated he would serve. Jason Henderson asked for a motion to appoint Jane Harper and Mark Baird to the Conference Committee. Tom Dolezal made a motion to appoint Jane Harper and Mark Baird to the Conference Committee. Motion was seconded by Frank Zickmund. Jason Henderson asked all in favor of Jane Harper and Mark Baird to the conference Committee to say "aye," all apposed same sign. Motion was approved by all.

Jason Henderson stated that at the January Meeting Jim Ashley offered to serve as the County's liaison to the City Plan Commission. Jason Henderson asked if he would still be willing to serve as the County's liaison. Jim Ashley stated that he would still be willing to serve as the liaison for the Commission. Jane Harper made a motion that Jim Ashley be our liaison from the County Plan Commission to the City Plan Commission; motion was seconded by Paul Julius. Jason Henderson asked all in favor of Jim Ashley for

liaison to the City Plan Commission to say “aye,” all opposed same sign; motion was approved by all. Jim Ashley was appointed as liaison to the City Plan Commission.

**Public Hearing** – Jason Henderson opened the public hearing for E.ON on behalf of James Webb Rezone to change Zoning from AG-Agriculture to AB-Agribusiness to open a maintenance facility on 10 acres on the North side of CR 400 N between CR 400 E and 500 E.

Jane Harper brought before the Plan Commission that there was an error on the legal notice publication in the newspaper. The legal notice stated “City Plan Commission” instead of “County Plan Commission” and it also stated the wrong meeting room. She stated that they have dealt with this before on other boards when the notice has errors and have been advised that the hearing cannot occur and Scott Friend stated they are dealing with the same type of issue for County Council. Steve Edson asked that we discuss the matter. Jane Harper stated her recommendation was to go ahead and have the hearing because there was nothing to lose by having it and she would check with the attorney after the meeting. After much discussion between the Plan Commission Members, Mark Baird made a motion to continue with Public Hearing with Jane Harper to check with County Attorney; motion was seconded by Tom Dolezal. Motion was approved by all.

Jason Henderson asked the applicant to step forward and state their name and address for the record; Denise Jensen from E.ON Climate and Renewables – 353 N Clark St – 30<sup>th</sup> floor – Chicago, IL 60654. Denise stated E.ON wants to put an office/maintenance facility on the North side of CR 400 N between CR 400 E and 500E. The property is a proposed 10 acre site on the North side of CR 400 N between CR 400 E and 500 E. The size of the facility is 12,000 square feet; housing office space, conference room and workshop. Parking lot will be paved with handicap and visitor parking. There will be pole lighting to light the parking lot and wall mounted lighting on the facility. Roughly two-thirds of the back lot will serve as a storage facility and have a 7 foot chain link fence to house equipment (pad mount transformer and up to 6 blades) the gate for the fenced in area will be a secured area with key card access and truck delivery services access.

Questions from the Plan Commission and answers from Ms. Jensen

The Board questioned the 10 acre area to be rezoned AB Agribusiness and got clarification as to the lines on the site map.

Describe the lighting of the facility? Lighting would not exceed the requirements of the Tipton County Zoning Ordinance.

How many employees would be working out of this facility? There will be 10 to 12 full-time employees working at the facility.

How many deliveries will the facility be receiving on a daily basis? Not sure of the amount at this time.

Why did E.ON chose this location? It was a central location between the two projects in Madison and Tipton Counties. As the project continues to grow with Phase two being in Grant and Howard Counties it would still be centrally located.

How will the facility use County Roads? The Wildcat Wind Farm traffic is to use specific roads mentioned in the Road Use Agreement between E.ON and Tipton County.

Being no additional questions from the Board; Jason Henderson opened the floor up to the public starting with individuals in favor of the project. There was no one that stepped forward to speak in favor of the project.

Jason Henderson asked if anyone was against the Rezone project. The following individuals stepped up and spoke against the proposed rezone.

Kevin Colbert - 400 N 500 E stated the neighbors present at tonight's meeting are not against the proposed project, they are against the location of the maintenance facility. They had the following concerns: How does this facility compare to the one on State Road 13? Denise Jensen replied that the SR 13 site is a temporary site, construction trailers, there for about one year. The rezone site is a more permanent structure and will look more like a farm structure; it will fit in with the other structures in the area. The fenced in area is for security purposes. Wyatt Johnson's site plan reflected that there will be a septic system at this site.

The neighbors here tonight do not oppose having a maintenance facility for E.ON in Tipton County. The Windmills in the area need to be cared for and maintained. Main concern is the location of the facility. There will be up to 6 blades stored at the facility. It will be a challenge to deliver blades to the facility after construction. The neighbors feel that a more commercial location would be better for the site, like the Industrial Park. There will be challenges with living around a commercial area; more traffic and lighting. There's a concern that the value of Residential property may decrease. Kevin read a letter that he received from Doug Spears, an appraiser of Tipton County. Kevin asked the Board to consider the points from the neighbors and think about the location; and restated that he is not opposed to the maintenance facility just the location.

Steve Edson stated the Rezone of this location is more Agribusiness and different from Industrial. This would not create a location to permit Industrial usage. Looking at the Land Use Chart it falls in the category of a Utility Office and Storage Facility. This facility is not going to be served by municipal water and sewer. Kevin Colbert asked: wouldn't it be better if they could hook into municipal water, sewer and gas and the fiber? Wouldn't we want this in an area that could utilize these services? How is this an Agribusiness venture? Steve stated we have a limited amount land use categories and we determined that Utility Office and Storage Facility is the most analogous category and is a permitted use in the AB, Agribusiness District.

Shane McCorkle – He and his wife purchased property in the area a little over two years ago. The reason for purchasing the property was that it's a quiet rural farming area; he and his wife are starting a family and wanted them to grow up in the quiet rural farming area. He quoted a study from Dodge County, WI, which stated that wind-related use of property will have a negative impact on the community and value.

Craig Denison – He works nights and is concerned about the noise and how much traffic and work there will be during the day. Denise Jensen stated the facility is not a place where things will be manufactured. Deliveries would be infrequent; they are not going to replace blades on a daily basis. Deliveries are not the main purpose for this facility. There will be a workshop in the main building; it will be more of a place where employees can use as a home base for phone calls, computers and other maintenance work. Why is a rural community a better place for this maintenance facility? Denise Jensen stated that the facility is to support the Windmill project and the only practical location to support this facility is a

rural area and one closer to the project. Wyatt Johnson stated if the facility is located on SR 13 there would be more homes and there are fewer homes in the rural area. There is one turn to this location and if it were in the city you would have several turns before getting to the facility. Mr. Denison was also concerned about the information on the roads, and who is going to enforce the use of the roads? Steve stated that only the roads in the Road Usage Agreement would be used. Jason Henderson stated there will be an inspector on site during the project to direct and enforce road usage. Denise Jensen stated they are responsible for repairing any roads that are damaged during construction. Concern with the lighting; Steve Edson stated they would have to follow the guidelines in the Tipton County Zoning Ordinance.

Shelly Colbert stated she has lived in the rural area for 20 years and doesn't feel this is the right location for this type of facility.

Wyatt Johnson - Wyatt lives in an area next to the sewer treatment plant, hears a pump running and lights from the football field shine every time there's a ball game. Doesn't feel there is a perfect location for a facility of this type. No matter where you put a facility of this type it will be next to someone's home, someone that sleeps or etc. Wyatt asked the Board to approve this rezone for this project.

Kevin Colbert asked to address Wyatt's comment. Was that sewer plant and football field there when you built your house; yes. You chose that setting. If there's a major pole barn going up in that area, I chose an Ag district.

Jason Henderson asked for a motion to close the public hearing. Jane Harper made a motion to close the public hearing; motion was seconded by Frank Zickmund. Motion was approved by all.

There was discussion from the Board and they would like clarification as to how the Land Usage District was determined; what constituted a Utility Company Office and Storage Yard Facility. Steve Edson explained it is the closest analogous use.

Mark Baird – Any Associated Business working on the Facility? Will there be any additional facilities on the site to house any support business? Denise stated there will be no additional support businesses at the O&M site. Why E.ON chose this location other than a different location? Denise stated she was not on the team that sites the location; there is a combination of factors that apply; you have to have a willing landowner, roads and other factors.

Paul Julius – Is 500 N to be torn up during this project? Denise stated it would be chip and sealed. Paul thought there may be alternative sites along this road.

Jim Ashley – Asked about Requirements for Landscaping in AG-District to AB-District – Steve Edson stated its 8 plants per 100 feet on side yards.

Tom Dolezal – How many Windmills are going to be in Tipton County? Steve Edson stated 62 or more. Also asked where is the closet O&M facility? Denise Jensen stated they have one in TX. Tom asked if there were any O&M Service in the Midwest, what type of building, pictures available, design of the building?

Jane Harper – Did you have to go through a rezone for the temporary site (in Madison County)? Denise stated; they didn't have to go through a rezone as it was a permitted use in the district. The work and

hours are regular business hours. It is Denise's understanding that you looked at three other sites. Denise stated to her knowledge yes they looked at other locations.

Scott Friend – Agreed with Wyatt stating it doesn't matter where a facility like this goes, it's going to affect someone.

Jason Henderson asked for a motion to approve the proposed project as presented and adopt the proposed Findings of Facts.

The Board went through the Findings of Fact sheet and several members were uncomfortable supporting the proposed Findings of Fact.

Scott Friend made a motion to approve the proposed rezone project and adopt the Findings of Fact and presented to the Board. The motion died due to a lack of a second motion.

Frank Zickmund made a motion to accept the Findings of Fact on Single sheet – see attached sheet – but later withdrew his motion.

Mark Baird made a motion to continue the E.ON public hearing at next month's meeting and allow the Petitioner to come back to the Board with additional information on location, drawings or picture of facility and type of building, routing to facility. Motion was seconded by Paul Julius. Jason asked for a roll call vote: Elizabeth Wissel – aye, Jason Henderson – aye, Jane Harper – aye, Tom Dolezal – aye, Mark Baird – aye, Jim Ashley – nay, Paul Julius – nay, Frank Zickmund – nay and Scott Friend – nay. Motion approved by 5 to 4 vote.

**Reports** – Steve Edson stated the Kick-off meeting for the Comprehensive Plan would be on April 3 from 7:00-8:00 at the Tipton County Foundation Center.

**Old Business** – There was none.

**New Business** – Sketch Plan for Subdivision for E.ON's Maintenance Facility. Wyatt Johnson presented the Plan Commission with Sketch Plan and asked to set date for public hearing. Jason Henderson asked for a motion to set a public hearing date for the E.ON Minor Subdivision. Jane Harper made a motion to set April 19, 2012 as the public hearing date for the E.ON Minor Subdivision. Motion was seconded by Mark Baird. Jason asked for a roll call vote. Scott Friend – aye, Frank Zickmund – aye, Paul Julius – aye, Jim Ashley – aye, Mark Baird – aye, Tom Dolezal – aye, Jane Harper – aye, Jason Henderson – aye, and Elizabeth Wissel – aye. Motion was approved by all.

Paul Julius feels we should have our County Plan Commission meeting in the downstairs conference room because he thinks people could hear better and there is more room. Paul Julius made a motion to hold our regularly scheduled meeting in the downstairs conference room; motion was seconded by Tom Dolezal. Motion was approved by all.

Jason Henderson asked if there were any other comments, concerns or questions from the Board or the public; being none, Jason Henderson asked for a motion to adjourn the meeting. Frank Zickmund made a motion to adjourn the meeting; motion was seconded by Tom Dolezal. Motion was approved by all.

Meeting was adjourned

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Jason Henderson, President

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Date

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Sherryl Hensley, Secretary

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Date